

NOTICE OF PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Office of Administrative Rules.

Agency Information

1. Agency: Health - Disease Control and Prevention, Environmental Services
 Room no.:
 Building: CANNON HEALTH BLDG
 Street address 1: 288 N 1460 W
 Street address 2:
 City, state, zip: SALT LAKE CITY UT 84116-3231
 Mailing address 1: PO BOX 142104
 Mailing address 2:
 City, state, zip: SALT LAKE CITY UT 84114-2104

Contact person(s):

Name: Phone: Fax: E-mail:

Sam LeFevre	801-538-6191	801-538-6564	slefevre@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 41486 Date filed: 04/21/2017 10:20 AM
 State Admin Rule Filing Key: 158738
 Utah Admin. Code ref. (R no.): R 392 - 600 -
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):
 Illegal Drug Operations Decontamination Standards

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:
 The rule has been amended to provide clarification in defining what non-confirmation and composite sampling is and how the results shall be calculated. The amended rule further explains how non-confirmation and confirmation sampling should be performed for a preliminary assessment, adds equipment that can be used for wipe sampling, and provides additional analytical methods for detecting methamphetamine. The name of the agency that issues standards for certification for a decontamination specialist has changed.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.
Yes

Rule Summary

6. Summary of the rule or change:

The proposed amendment adds the definitions for non-confirmation and confirmation sampling and how the results shall be calculated; and describes what needs to occur during a preliminary assessment in regards to non-confirmatory and confirmation sampling. In addition, it provides information on equipment that can be used for wipe sampling and other analytical methods for methamphetamine detection, which are based on updated procedures. In addition, the name of the agency that issues standards for certification for a decontamination specialist has changed, and therefore, this amendment includes this change.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

There are no anticipated costs or savings at the state level. Any costs will come out of existing budgets.

B) Local government:

Affected: Yes

There may be some revenue lost because fewer homes may be unnecessarily determined to be contaminated because of how composite sampling was calculated prior to this amendment. The loss is estimated to be \$400 (with a wide range among the local health departments) per home in clean up review and permit fees. Approximately 5% of homes previously requiring mitigation are thought to be erroneously determined to be contaminated.

C) Small businesses:

Affected: Yes

("small business" means a business employing fewer than 50 persons)

There may be a cost savings to small businesses that would have been required to mitigate homes that were unnecessarily determined to be contaminated by local health departments because of how composite sampling was calculated prior to this amendment. The savings are estimated by industry to be about \$10,000 (with a wide range) per home. Approximately 5% of homes previously requiring mitigation are thought to be erroneously determined to be contaminated.

D) Persons other than small businesses, businesses, or local government entities:

Affected: Yes

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

There may be a cost savings to those in this category who would have been required to mitigate homes that were unnecessarily determined to be contaminated by local health departments because of how composite sampling was calculated prior to this amendment. The savings are estimated by industry to be about \$10,000 (with a wide range) per home. Approximately 5% of homes previously requiring mitigation are thought to be erroneously determined to be contaminated.

Compliance Cost Information

8. Compliance costs for affected persons:

There may be a cost to local health departments due to fewer homes being unnecessarily labeled as contaminated. The loss is estimated to be \$400 (with a wide range among the local health departments) per home in clean up review and permit fees. Approximately 5% of homes previously requiring mitigation are thought to be erroneously determined to be contaminated.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The amendment reduces the risk of erroneous determinations of contamination resulting in a cost savings to business responsible for mitigation.

- B) Name and title of department head commenting on the fiscal impacts:

Joseph Miner, MD, Executive Director

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :
Section 19-6-906

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by reference (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

- A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

06/14/2017

- B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

06/21/2017

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Office of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):

illegal drug operations

decontamination

methamphetamine

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Joseph Miner Executive
Director

Date (mm/dd/yyyy): 04/21/2017